

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

BOBBY MITCHELL,

Plaintiff,

v.

DEBBIE A. SWEET

Defendant,

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Civil Action No.: 3: 05-CV-1210-F

REPORT OF PARTIES' PLANNING MEETING

1. **Appearances:**

Pursuant to Fed. R. Civ. P 26(f), a meeting of the parties' representatives was held on Thursday, February 9, 2006, in Birmingham, Alabama.

a. Appearing on behalf of Plaintiff, Bobby Mitchell:

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b. Appearing on behalf of Defendant, Debbie A. Sweet :

Hunter C. Carroll, Esq.
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2. **Parties:**

- a. The plaintiff shall have until April 28, 2006, to join any additional parties.
- b. The defendants shall have until May 31, 2006, to join any additional parties.

3. Pleadings:

The plaintiff shall have until April 28, 2006 to amend the pleadings.

4. Dispositive Motions:

All potentially dispositive motions must be filed by September 29, 2006 and will be ready to be heard in the month of October, if possible.

5. Expert Testimony:

Unless modified by stipulation of the parties, the disclosure of expert witnesses, including a complete report by Fed. R. Civ. P. 26(f)(2)(B) from any specially retained or employed expert are due:

- a. From the plaintiff: June 29, 2006.
- b. From the defendants: July 31, 2006.

6. Primary Subjects of Discovery:

The claims in this case arise from a motor vehicle collision. The plaintiff has died since the institution of this action and an amendment will soon be filed substituting a wrongful death claim for the personal injury claims. The primary subjects on which discovery may be needed are:

- a. The facts of the collision event and the fault of the parties in causing the collision;
- b. The causes of the plaintiff's injuries and death;
- c. Whether any entities other than named parties bear any responsibility for the plaintiff's injuries and death;
- d. Expert opinions relating to any of the areas identified in (a)–(c) above.

7. Discovery Limitations and Cutoffs:

- a. Unless modified by stipulation of the parties:

Depositions:

Maximum of ten (10) depositions from the plaintiff and ten (10) depositions for each defendant with a maximum time limit of eight (8) hours per deposition, unless extended by agreement of the parties.

Interrogatories:

Maximum of 30 by each party, with responses due within 30 days after service.

Request for Admission:

Maximum of 30 by each party, with responses due within 30 days after service.

Request for Production:

Maximum of 30 by each party, with responses due within 30 day after service.

Supplementation:

Supplementation under Rule 26(e), Fed. R. Civ. P., are due 30 days before the close of discovery.

- b. Pre-discovery disclosure: The parties shall exchange the information required by Local Rule 26.1(a) (1) by March 31, 2006.
- c. Unless modified by court order for good cause shown, all discovery must be commenced in time to be completed by September 4, 2006.

8. Pre-trial conference:

This case will be ready for pretrial conference in October, 2006.

9. Trial:

This case will be ready for trial in November, 2006.

Trial is expected to last one (1) to two (2) days.

10. Final lists:

Final lists of trial witnesses and exhibits under Fed. R. Civ. P. (26(a) (3) must be served and filed:

- a. By the plaintiff: 30 days prior to trial.
- b. By the defendants: 30 days prior to trial

Objections are to be filed within five (5) days after receipt of the final lists.

11. Scheduling Conference:

The parties do not request a scheduling conference prior to the entry of the Scheduling Order.

STIPULATED FOR ENTRY this 17th day of February, 2006, by all counsel of record:

/s/Roger L. Lucas

ROGER L. LUCAS, ESQ.

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s/Hunter C. Carroll

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